

MEETING OF FEBRUARY 13, 1996

(Meeting convened at 10:00 a.m. and adjourned at 11:33 a.m.)

PLEDGE OF ALLEGIANCE - Led by Commissioner John P. Hart

CALL TO ORDER

CONSENT AGENDA

**PUBLIC WORKS DEPARTMENT**  
**OFFICE OF ENVIRONMENTAL SERVICES**  
**FISCAL OPERATIONS DIVISION**

1. MOTION TO APPROVE and execute Satisfactions of Claim of Lien to release liens recorded for unpaid water or sewer or water and sewer charges.

**ACTION: (A-550) Approved.**

**OFFICE OF TRANSPORTATION**  
**ENGINEERING DIVISION**

2. MOTION TO ADOPT Resolution 96-65 accepting a Warranty Deed executed by Sports & Recreation, Inc. donating right-of-way for Hiatus Road, in Section 13, Township 51 South, Range 40 East.

**ACTION: (A-550) Approved.**

3. A. MOTION TO ADOPT Resolution 96-66 accepting a Road Easement executed by Sue Bruno, donating right-of-way for SW 40 Avenue, in Section 31, Township 50 South, Range 42 East.

**ACTION: (A-550) Approved.**

B. MOTION TO ADOPT Resolution 96-67 accepting a Road Easement executed by Carl Gambino, Thomas Gambino, Joseph Gambino and Phyllis Sinatra, donating right-of-way for SW 40 Avenue, in Section 31, Township 50 South, Range 42 East.

**ACTION: (A-550) Approved.**

**FINANCE & ADMINISTRATIVE SERVICES DEPARTMENT**

**COUNTY RECORDS DIVISION**

4. MOTION TO APPROVE the minutes of the 10:00 A.M. Board of County Commissioners meeting of January 9, 1996.

**ACTION: (A-550) Approved.**

**PURCHASING DIVISION**

For Public Works Department

5. MOTION TO APPROVE the agreement between Broward County and Miller, Legg, and Associates, Inc. to provide engineering services for North Andrews Gardens Neighborhood Improvement Project for a sum not to exceed the amount of \$165,940 plus a lump sum of \$307,210 for a total amount of \$473,150 and duration of 270 calendar days after receipt of Notice to Proceed and authorize Chair and Clerk to execute same. BCOES/MD/EED Project No. 1146/8409

**ACTION: (A-550) Approved.**

**REVENUE COLLECTION DIVISION**

6. MOTION TO APPROVE AND EXECUTE Satisfactions of Claim of Lien against Robert Lass and Marcus Roberson.

**ACTION: (A-550) Approved.**

7. MOTION TO ADOPT Resolution 96-68 authorizing Cancellation of Warrants from Central Operation Account #96442522 (NationsBank).

**ACTION: (A-550) Approved.**

**RISK MANAGEMENT DIVISION**

8. MOTION TO AUTHORIZE full and final settlement of Workers' Compensation Claim # 95 WC 0027MR in the amount of \$95,000.00.

**ACTION: (A-550) Approved.**

# **HUMAN SERVICES DEPARTMENT**

## **TRAUMA MANAGEMENT AGENCY**

9. MOTION TO APPROVE the appointment of Kathy C. Harris to the Broward Regional EMS Council.

**ACTION: (A-550) Approved.**

### **FAMILY DEVELOPMENT & RESOURCE DIVISION**

10. MOTION TO APPROVE grant application to the Emergency Food and Shelter committee of Broward County in the amount of \$118,000 for the purpose of providing emergency assistance with rent/mortgage and maintaining four food pantries to feed homeless and needy families from February 1, 1996 through September 30, 1996 and authorize the County Administrator to take the necessary administrative and budgetary actions to execute the grant. No County Match is Required.

**ACTION: (A-550) Approved.**

### **ELDERLY SERVICES DIVISION**

11. MOTION TO APPROVE entry into non-financial referral agreement with All Metro Home Care, determined eligible as home and community based medical waiver provider from February 1, 1995 to June 30, 1996 for the purpose of maintaining older persons in the community, and authorize the Chair and Clerk to execute same.

**ACTION: (A-550) Approved.**

## **COMMUNITY SERVICES DEPARTMENT**

### **CONSUMER AFFAIRS DIVISION**

12. MOTION TO APPROVE the partial change of ownership of Certificate of Public Convenience & Necessity No. 58 currently issued to Elite Transportation Services, Inc. One limousine permit will be transferred to Towncar Airport Transportation, Inc. One limousine permit will remain on Certificate No. 58 belonging to Elite Transportation Services, Inc.

**ACTION: (A-550) Approved.**

13. MOTION TO APPROVE the change of ownership of Certificate of Public Convenience & Necessity No. 37, Ambassador Limousine Service, Inc., from Kenneth Avery to Lawrence Nelson.

## **ACTION: (A-550) Approved.**

14. MOTION TO APPROVE the change of ownership of Certificate of Public Convenience & Necessity No. 128 currently issued to Florida Tour Lines, Inc. Two limousine permits currently issued to Florida Tour Lines, Inc will be transferred to Carey Limousine Florida, Inc.

## **ACTION: (A-550) Approved.**

### **MASS TRANSIT DIVISION**

15. MOTION TO ADOPT Resolution 96-69 of the Board of County Commissioners of Broward County, Florida authorizing the Commission Chair to execute and file an Amended Capital Assistance Project Grant Application for fiscal Year 1996 with the Federal Transit Administration, pursuant to Section 9 funding, in the amount of \$14,342,112, under the Urban Mass Transportation Act of 1964, as amended.

## **ACTION: (A-550) Approved.**

16. A. MOTION TO APPROVE Amendment #1 to agreement between Broward County and the city of Miramar to provide for alcohol and drug testing as required by the U.S. Department of Transportation; to increase the number of heavy duty wheelchair accessible passenger vans from one to two; to increase the compensation accordingly; to change the termination date from January 10, 1997 to September 30, 1996 and authorize the Chair and Clerk to execute same.

*ACTION: (A-550) Approved as amended per staff's addendum.*

B. MOTION TO ADOPT Budget Resolution 96-70 transferring within the General Fund the amount of \$13,500 from the Commission's Reserve to pay for the annual prorated interlocal agreement operating subsidy.

## **ACTION: (A-550) Approved.**

C. MOTION TO ADOPT an unanticipated Revenue Resolution 96-71 within the operating fund (450) for the Mass Transit Division in the amount of \$13,500 to pay for the annual prorated interlocal agreement operating subsidy.

## **ACTION: (A-550) Approved.**

### **DEPARTMENT OF NATURAL RESOURCE PROTECTION**

17. MOTION TO APPROVE the settlement agreements between Broward County and the listed respondents for violations of Broward County ordinances:

A. Florida Department of Transportation & Joe A. Chambliss, Inc.

B. J. I. Builders, Inc.

**ACTION: (A-550) Approved.**

## **PORT EVERGLADES DEPARTMENT**

18. MOTION TO APPROVE a one-year Lease Agreement between Broward County and Fillette, Green & Co., Inc. for Suite No. 314 in Building 611 at Port Everglades, consisting of 160 square feet, for the period of March 1, 1996 through February 28, 1997, and authorize the Chair and Clerk to execute same.

**ACTION: (A-550) Approved.**

19. MOTION TO APPROVE a one-year Lease Agreement between Broward County and Sunshine Shipping, Inc. for Suite No. 4 in Building 611 at Port Everglades, consisting of 500 square feet, for the period of March 1, 1996 through February 28, 1997, and authorize the Chair and Clerk to execute same.

**ACTION: (A-550) Approved.**

## **OFFICE OF BUDGET AND MANAGEMENT POLICY**

20. MOTION TO APPROVE business travel for county employees in accordance with Administrative Order 105.

**ACTION: (A-550) Approved.**

## **COUNTY COMMISSION**

21. MOTION TO FILE Resolution No. R-96-22 of the City Commission of the City of Tamarac, Florida, recognizing and commemorating February 1996 as Black History month; providing for conflicts; providing for severability; and providing for an effective date. (Chair)

**ACTION: (A-550) Approved.**

## **COUNTY ATTORNEY**

22. MOTION TO APPROVE the filing of an amicus curiae brief in support of Martin County's position in Martin County v. Melvin Yusem.

**ACTION: (A-550) Approved.**

## **BOARD APPOINTMENTS**

23. A. MOTION TO APPROVE appointment of Dr. Joel Schneider to the Elderly Services Advisory Board. Dr. Schneider is being appointed to a vacancy as a result of the death of Dr. Alexander Goldenberg. (Commissioner Gunzburger)

**ACTION: (A-550) Approved.**

B. 1. MOTION TO ACCEPT the resignation of H. William Spute, Jr. from the Personnel Advisory Board.

**ACTION: (A-550) Approved.**

2. MOTION TO APPOINT H. William Spute Jr. to the Parks and Recreation Advisory Board to fill an existing vacancy. (Commissioner Cowan)

**ACTION: (A-550) Approved.**

### **REQUEST TO SET PUBLIC HEARING/MEETING SCHEDULE**

24. MOTION TO ESTABLISH Revised Commission Meeting Schedule for July/August 1996.

**ACTION: (A-550) Approved.**

25. MOTION TO ACCEPT the proposed hearing schedule for Calendar Year 1996 Amendment of the Broward County Comprehensive Plan.

**ACTION: (A-550) Approved.**

26. MOTION TO ADOPT Resolution 96-72 directing the County Administrator to publish Notice of Public Hearing to be held Tuesday, March 12, 1996 at 2:00 p.m. in Room 422 Governmental Center to vacate and abandon a utility easement, lying and being in Broward County, Florida, and is located at 1907 N.W. 80th Avenue in the City of Margate. Petitioner: John E. and Linda Micklos. (8-V-96)

**ACTION: (A-550) Approved.**

27. MOTION TO ADOPT Resolution 96-73 directing the County Administrator to publish Notice of Public Hearing to be held Tuesday, March 12, 1996 at 2:00 p.m. in Room 422 Governmental Center to vacate and abandon part of Old State Road 7, lying and being in Broward County, Florida, and located North and South of Stirling Road, partly in the City of Hollywood. Petitioner: Seminole Management

Associates Ltd., et. al. (David Wiseman, Esquire - Agent) (16-V-93)

**ACTION: (A-550) Approved.**

28. MOTION TO DIRECT the County Administrator to publish Notice of Public Hearing to be held Tuesday, February 27, 1996 at 2:00 p.m. in Room 422 Governmental Center to consider an application for (renewal) of Nonemergency Medical Transportation Service (NEMTS) license to AMT Medical Transportation, Inc.

**ACTION: (A-550) Approved.**

29. MOTION TO ADOPT Resolution 96-74 authorizing the County Administrator to advertise a public hearing to be held March 12, 1996 at 2:00 p.m. in Room 422 Governmental Center for adopting supplemental budgets to adjust revenues and appropriations in accordance with the audited fund balances.

**ACTION: (A-550) Approved.**

**REGULAR AGENDA**

**COUNTY ADMINISTRATOR'S REPORT**

30. JAIL UPDATE: County Administrator B. Jack Osterholt filed the jail report indicating that the jail population is 3,465, which is 95 percent of cap.

**ACTION: (A-570) No action necessary.**

31. DELEGATION: Afua Baptiste, of the African American Caribbean Cultural Center, request for waiver of deadline for the General Operations Grant dated February 1, 1996.

*ACTION: (A-575) The Board denied the requested waiver.*

**HUMAN SERVICES DEPARTMENT**

32. MOTION TO DIRECT the County Attorney's Office to draft an ordinance amending the Broward County Code, Chapter 15, Article XIV pertaining to environmental health; providing for changes to representation on the Broward County Health and Sanitary Control Board; providing revisions to procedures for Board hearings; providing for housekeeping revisions; providing for severability; providing for inclusion in the code; and providing for an effective date.

**ACTION: (A-953) Approved.**

# PORT EVERGLADES DEPARTMENT

33. MOTION TO APPROVE Grant applications (16) to the Florida Seaport Transportation and Economic Development Council (FSTED) in the amount of \$39,675,000 for capital improvements for FY97/98 and later, and to authorize the County Administrator to make the necessary administrative and budgetary actions to execute the grant. A cash match of 50% per approved project is required.

**ACTION: (A-970) Approved.**

## OFFICE OF BUDGET AND MANAGEMENT POLICY

34. MOTION TO APPROVE travel for county employees on the attached list in accordance with Administrative Order 105.

*ACTION: (A-973) Approved as amended per staff's addendum.*

## COUNTY ATTORNEY

35. MOTION TO ADOPT Resolution 96-75 amending Chapter 27 of the Broward County Administrative Code, Part XXIV, "Zoning Code", regarding rules and procedures for the conduct of hearings relating to owner-initiated site-specific rezonings before a Broward County Hearing Examiner and the Board of County Commissioners.

**ACTION: (A-980) Approved.**

## COUNTY ADMINISTRATOR

36. DISCUSSION: Status of the Arena.

*ACTION: (A-985) The Board directed the County Attorney to suggest, at the next meeting, a firm to be retained as outside counsel on negotiations with the lease and specific complex issues related to sports-type deals. Commissioner Parrish requested Commission Auditor Norman W. Thabit to look at the numbers proposed by Mr. Katz and do a comparative analysis.*

## INTERGOVERNMENTAL AFFAIRS

37. DISCUSSION: Legislative Matters.

A. Equity funding for Broward County Human Services. (Comm. Parrish)

*ACTION: (A-1841) Without objection, and at the suggestion of Commissioner Parrish, the Board*

*agreed to amend the legislative package to include this equity funding and to urge Norman Ostrau and Intergovernmental Affairs staff to work with Senators Scott and Jennings on this issue. Also, the Board requested Commission Auditor Norman W. Thabit to review the figures given in the report.*

B. Competition in the Electric Utility Industry. (Comm. Parrish)

*ACTION: (A-1727) Commissioner Parrish requested Commission Auditor Norman W. Thabit to do a cost benefit analysis to the taxpayers and the resource recovery plant.*

C. Article V funding in full support of the Criminal Justice Funding. (Comm. Hart)

*ACTION: (A-1935) Commissioner Hart suggested that the Board present a stronger statement for full state funding of the Criminal Justice System.*

## **OFFICE OF URBAN AFFAIRS**

38. MOTION TO ACCEPT Nominations for a "General Contractor" position on the Board of Rules and Appeals.

A. MOTION TO NOMINATE Stephen H. Corn to the Rules and Appeals Board of Broward County. His current term expired December 31, 1995. (Commissioner Thompson)

**ACTION: (A-2083) Approved.**

39. MOTION TO ACCEPT Nominations to appoint one individual to the Community Action Advisory Board. (Deferred from February 06, 1996).

A. MOTION TO NOMINATE Clarence Wright for appointment to the Community Action Advisory Board. (Commissioner Thompson)

**ACTION: (A-2104) Approved.**

## **SUPPLEMENTAL AGENDA**

40. MOTION TO APPOINT Commissioner to serve on the Canvassing Board for the Logic & Accuracy Test at 10:00 a.m. Monday, March 11 for the Presidential Preference Primary and the Municipal Elections.

*ACTION: (A-2112) The Board appointed Commissioner Cowan.*

## **HUMAN SERVICES DEPARTMENT**

## **BUREAU OF CHILDREN'S SERVICES**

41. MOTION TO APPROVE Grant application to Department of Juvenile Justice, Community Juvenile Justice Partnership, in the amount of \$87,512 for the purpose of continuing to provide services in collaboration with the Department of Juvenile Justice District 10 in the establishment of Juvenile Intake Facility from July 1, 1996 through June 30, 1997, and authorize the County Administrator to take the necessary administrative and budgetary actions to execute the grant (includes County cash and in-kind match of \$22,512).

## **ACTION: (A-2137) Approved.**

REASON FOR SUPPLEMENTAL: Request that item be placed on supplemental agenda for the February 13, commission meeting. Grant application is due on February 15.

## **COUNTY ATTORNEY**

42. MOTION TO ADOPT Resolution 96-79 directing the County Administrator to publish notice of public hearing to be held on Tuesday, February 27, 1996 at 2:00 p.m. in Room 422 of the Governmental Center to consider enactment of proposed ordinance entitled:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, CREATING SECTIONS 11.60, 11.61, 11.62, 11.63 AND 11.64 OF CHAPTER 11 OF ARTICLE IV, BROWARD COUNTY CODE OF ORDINANCES; PROVIDING DEFINITIONS; PROVIDING FOR THE AMENDMENT OF THE CHARTER, ENACTMENT, REPEAL, AND AMENDMENT OF ORDINANCES BY INITIATIVE PETITION; PROVIDING FOR APPLICABILITY; PROVIDING LIMITATIONS ON SUCH POWER; REQUIRING THAT CHARTER AMENDMENTS AND ORDINANCES PROPOSED BY INITIATIVE PETITION EMBRACE ONLY ONE SUBJECT AND MATTER; REQUIRING SUBMISSION OF CHARTER AMENDMENT AND ORDINANCE PROPOSED BY INITIATIVE PETITION, INCLUDING ANY FORM USED TO GATHER SIGNATURES TO, AND APPROVAL BY, COUNTY ADMINISTRATOR; AUTHORIZING ADMINISTRATOR TO SPECIFY FORM OF PETITION; SPECIFYING CRITERIA; PROVIDING THAT PETITION IS DEEMED A POLITICAL ADVERTISEMENT AND REQUIRING DISCLOSURE OF PAYOR; AUTHORIZING REPRODUCTION OF PETITION FORMS UNDER CERTAIN CONDITIONS; PROHIBITING CHANGES TO PETITION FORMS AFTER APPROVAL BY ADMINISTRATOR; PROVIDING BEGINNING AND TERMINATION DATE FOR INITIATIVE PETITION DRIVE; REQUIRING ADMINISTRATOR TO CERTIFY THAT PETITION HAS BEEN SIGNED BY SEVEN (7) PERCENT OF THE TOTAL NUMBER OF COUNTY ELECTORS AT TIME OF LAST GENERAL ELECTION; PROVIDING FOR DETERMINATION OF VALIDITY OF PETITION; REQUIRING ASSISTANCE AND COOPERATION FROM ALL COUNTY OFFICERS AND DEPARTMENTS; PROVIDING FOR REPORT OF VALIDITY TO COUNTY COMMISSION; PROVIDING FOR CALL OF SPECIAL REFERENDUM ELECTION IN ACCORDANCE WITH GENERAL LAW; PROHIBITING THE CARRY-OVER OF PETITION SIGNATURES TO FUTURE INITIATIVE PETITIONS; PROVIDING FOR APPROVAL BY VOTERS OF PROPOSED CHARTER AMENDMENT OR ORDINANCE AND EFFECTIVE DATE OF SAID AMENDMENT OR ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

REASON FOR SUPPLEMENTAL At the request of Commissioner Gunzburger.

***ACTION: (A-2142) Approved as amended per staff's addendum making the effective date March 11, 1996.***

## **NON AGENDA**

43. SYMPATHY: The Chair asked those present to stand and observe a moment of silence for the murdered city of Fort Lauderdale employees and their families.

***ACTION: (A-30) No action was necessary.***

44. PRESENTATION: Sheriff Ron Cochran presented three certificates of certification for three facilities in the 3656 bed corrections system, namely the Main Jail Bureau, the Division of Community Corrections, and the North Broward Bureau, which were accredited by the American Correctional Association last month.

***ACTION: (A-50) Sheriff Cochran made the presentation and advised that the county commission has the distinction of being among the 2 percent of county governments that have accredited jail systems. Sheriff Cochran requested that the accreditation staff present in the meeting room rise and be recognized for their assistance in this achievement.***

45. EMPLOYEE SUGGESTION PROGRAM: County Administrator B. Jack Osterholt and Commission Chair John E. Rodstron Jr. presented awards to the following employees for their participation in the Employee Suggestion Program:

Employee Division Award

Linda Hall Animal Care/Regulation \$ 50/Intangible

Liana Ravello Libraries Division \$100/Intangible

Mark Lichtenberg County Records \$100/Intangible

Hector Bilbao-Llinas Mass Transit \$200/Intangible

***ACTION: (A-125) The employees accepted the commissioner's thanks and received their check from the Chair.***

46. PROCLAMATION: Commissioner Parrish read into the record a proclamation designating the month of March 1996 as Women's History Month in Broward County and urging all residents to observe this occasion by taking part in ceremonies and activities honoring generations of compassionate and courageous women.

***ACTION: (A-230) Annette Van Howe of the Broward County Commission on the Status of Women accepted the proclamation and thanked the Board for its continued support.***

47. PLAQUE: Commissioner Gunzburger presented a plaque to Mrs. Sylvia Goldenberg, in memory of her husband, Dr. Alexander Goldenberg, who served as a member of the Elderly Services Advisory Board from 1979 to 1995.

***ACTION: (A-317) Mrs. Goldenberg accepted the plaque and thanked the Board for this recognition.***

48. PROCLAMATION: Commissioner Rodstrom read into the record a proclamation indicating that Chaminade-Madonna College Preparatory will honor Sister Grace Messarge and Fred Lippman at its 21st annual Founders' Award Celebration on February 10, 1996, and designating Saturday, February 10, 1996 as Fred Lippman Appreciation Day in Broward County. Commissioner Rodstrom advised that there is a similar proclamation designating Saturday, February 10, 1996 as Sister Grace Messarge Appreciation Day in Broward County.

***ACTION: (A-477) Mark Sokolowski, from Representative Lippman's office, accepted the proclamation. Mr. Sokolowski advised that Representative Lippman asked him to express his apology that he was unable to personally accept the proclamation because he was meeting with students from Chaminade-Madonna that will be attending the Harvard University Model United Nations Conference.***

49. PROCLAMATION: Commissioner Rodstrom read into the record a proclamation recognizing the First Annual Sweet Art Auction for the Family Service Agency's Domestic Violence Program being presented by Holy Cross Hospital at its Sister Innocent Conference Center, designating Friday, February 9, 1996 as Sweet Art Auction Day in Broward County.

***ACTION: (A-877) Bruce Wallen, Chairman of the Family Service Agency's Domestic Violence Program, accepted the proclamation.***

50. DISCUSSION: Para Transit Program. (Comm. Gunzburger)

Michael Scanlon, Mass Transit Division Director, advised that staff is proceeding with different models relating to the possible redesigning the system.

***ACTION: (A-2184) Mr. Scanlon will send a report to the commissioners on the status of the program following their meeting with B & L on February 14, 1996.***

51. COMMENDATION: Commissioner Gunzburger complimented Larry Lietzke, Community Services Department Director and Bob Harbin, Parks and Recreation Division Director, and the staff, for the development of the Anne Kolb Nature Center.

**ACTION: (A-2435) No action needed.**

52. DISCUSSION: Commissioner Parrish commented on the resolution from Fort Lauderdale Mayor Jim Naugle regarding a curfew. She stated that she is adamantly opposed to this type ordinance. Commissioner Rodstrom stated that he would rather see what happens in Dade County.

**ACTION: (A-2464) No action taken.**

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